

Message Text

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ACTION IO-14

INFO OCT-01 CIAE-00 CU-04 INR-07 NSAE-00 AID-05 USIE-00

AF-10 ARA-10 EA-10 EUR-12 NEA-10 ISO-00 DHA-05

SSO-00 IOE-00 INRE-00 L-03 OIC-02 TRSE-00 NSCE-00

SS-15 OES-07 HEW-04 SP-02 /121 W

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O R 231621Z SEP 77

FM AMEMBASSY PARIS

TO SECSTATE WASHDC IMMEDIATE 9166

INFO USMISSION USUN

USMISSION GENEVA

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NESCO

E.O. 11652: N/A

TAGS: UNESCO, AORG, OCON, SHUM

SUBJECT: UNESCO: PROCEDURE FOR HANDLING HUMAN RIGHTS
COMPLAINTS

REF: WARVARIV - FORSTER TELCON OF SEPT. 22, 1977

1. ACTING PERMREP HAS JUST OBTAINED COPY OF ADVANCED
TEXT OF DRAFT RESOLUTION WHICH EXBD CHAIRMAN MARTIN
WILL PRESENT FOR DISCUSSION AND APPROVAL TO THE WORKING
GROUP (WG) ON HUMAN RIGHTS PROCEDURE TO BE CONVENED
WED, SEPT. 28 A.M.

2. WE ARE NOW STUDYING THE DOCUMENT AND WOULD
APPRECIATE DEPT'S COMMENTS AND GUIDANCE BY COB TUESDAY,
SEPT. 27, 1977, PARIS TIME.

BEGIN QUOTE: THE EXECUTIVE BOARD,

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1. RECALLING RESOLUTION 19 C/6.113 CONCERNING UNESCO'S
RESPONSIBILITIES IN THE FIELD OF HUMAN RIGHTS, IN THE
CONTEXT OF INTERNATIONAL STANDARDS,

2. RECALLING ALSO RESOLUTION 19 C/12.1: "UNESCO'S CON-
TRIBUTION TO PEACE AND ITS TASKS WITH RESPECT TO THE
PROMOTION OF HUMAN RIGHTS AND THE ELIMINATION OF

COLONIALISM AND RACIALISM, LONG TERM PROGRAMME OF MEASURE WHEREBY UNESCO CAN CONTRIBUTE TO THE STRENGTHENING OF PEACE"; AND IN PARTICULAR PARAGRAPH 10 OF THE RESOLUTION WHICH INVITES THE EXECUTIVE BOARD AND THE DIRECTOR GENERAL:

(A) TO EXAMINE WITH PARTICULAR ATTENTION THE GENERAL SITUATION WITH REGARD TO RESPECT FOR HUMAN RIGHTS THROUGHOUT THE WORLD, IN UNESCO'S FIELDS OF COMPETENCE;

(B) TO STUDY THE PROCEDURES WHICH SHOULD BE FOLLOWED IN THE EXAMINATION OF CASES AND QUESTIONS WHICH MIGHT BE SUBMITTED TO UNESCO CONCERNING THE EXERCISE OF HUMAN RIGHTS IN THE SPHERES TO WHICH ITS COMPETENCE EXTENDS, IN ORDER TO MAKE ITS ACTION MORE EFFECTIVE;

(C) TO CONTINUE TO ESTABLISH, WITH A VIEW TO THE IMPLEMENTATION OF SUB-PARAGRAPHS (A) AND (B), CLOSE CO-OPERATION AND CO-ORDINATION WITH THE RELEVANT UNITED NATIONS ORGANS SO AS TO TAKE ADVANTAGE OF THEIR WORK AND THE LESSONS THAT CAN BE LEARNT FROM THEM IN THIS FIELD.

3. HAVING CONSIDERED THE REPORT OF A WORKING GROUP OF THE BOARD SET UP BY VIRTUE OF DECISION 102 EX/5.6.2 TO CARRY OUT AN IN-DEPTH STUDY OF DOCUMENT 102 EX/19, THE LIMITED OFFICIAL USE

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ANALYTICAL SUMMARY OF DISCUSSIONS THAT TOOK PLACE AT THE 102ND SESSION OF THE BOARD, AND ADDITIONAL WRITTEN COMMENTS PROVIDED BY MEMBERS OF THE BOARD;

4. CONSIDERING THAT THE COMPETENCE AND ROLE OF UNESCO IN THE FIELD OF HUMAN RIGHTS DERIVE PRIMARILY FROM ARTICLE I.1 OF THE CONSTITUTION OF UNESCO WHICH STATES: "THE PURPOSE OF THE ORGANIZATION IS TO CONTRIBUTE TO PEACE AND SECURITY BY PROMOTING COLLABORATION AMONG THE NATIONS THROUGH EDUCATION, SCIENCE AND CULTURE IN ORDER TO FURTHER UNIVERSAL RESPECT FOR JUSTICE, FOR THE RULE OF LAW AND FOR THE HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS WHICH ARE AFFIRMED FOR THE PEOPLES OF THE WORLD, WITHOUT DISTINCTION OF RACE, SEX, LANGUAGE OR RELIGION, BY THE CHARTER OF THE UNITED NATIONS", AND DERIVE ALSO FROM THE VARIOUS CONVENTIONS AND RECOMMENDATIONS ADOPTED BY UNESCO IN THIS RESPECT, AND FROM THE CHARTER OF THE UNITED NATIONS AND THE UNIVERSAL DECLARATION OF HUMAN RIGHTS,

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AF-10 ARA-10 EA-10 EUR-12 NEA-10 ISO-00 DHA-05

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5. MINDFUL OF ARTICLE I.3 OF THE CONSTITUTION OF UNESCO WHICH STATES: "WITH A VIEW TO PRESERVING THE INDEPENDENCE, INTEGRITY AND FRUITFUL DIVERSITY OF THE CULTURES AND EDUCATIONAL SYSTEMS OF THE STATES MEMBERS OF THIS ORGANIZATION, THE ORGANIZATION IS PROHIBITED FROM INTERVENING IN MATTERS WHICH ARE ESSENTIALLY WITHIN THEIR DOMESTIC JURISDICTION";

6. CONSIDERING THAT IN MATTERS CONCERNING HUMAN RIGHTS, WITHIN ITS FIELDS OF COMPETENCE, UNESCO SHOULD ACT IN A SPIRIT OF INTERNATIONAL CO-OPERATION, MUTUAL UNDERSTANDING AND CONCILIATION;

7. RECOGNIZING THE IMPORTANT ROLE OF THE DIRECTOR GENERAL IN:

(A) SEEKING CONTINUALLY TO STRENGTHEN THE PROGRAMMES OF UNESCO IN THE PROMOTION OF HUMAN RIGHTS, AND
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(B) USING HIS GOOD OFFICES, IN CONDITIONS OF MUTUAL RESPECT, CONFIDENCE, AND CONFIDENTIALITY, TO HELP REACH SOLUTIONS TO PARTICULAR PROBLEMS CONCERNING HUMAN RIGHTS;

8. INVITES THE DIRECTOR GENERAL TO CONTINUE HIS EFFORTS TO STRENGTHEN THE PROGRAMMES OF UNESCO IN REGARD TO THE PROMOTION OF HUMAN RIGHTS AND HIS ACTION THROUGH HUMANITARIAN INTERCESSION CARRIED OUT IN CONDITIONS OF MUTUAL TRUST AND DISCRETION;

9. CONSIDERING THAT QUESTIONS OF MASSIVE, SYSTEMATIC OR FLAGRANT VIOLATIONS OF HUMAN RIGHTS THAT WERE BROUGHT TO THE ATTENTION OF UNESCO THROUGH THE APPROPRIATE CHANNELS AND FELL WITHIN UNESCO'S FIELDS OF COMPETENCE, WOULD NEED TO BE CONSIDERED BY THE EXECUTIVE BOARD OR THE GENERAL CONFERENCE IN A MANNER CORRESPONDING TO THE MATTER AT ISSUE;

10. RECALLING DECISIONS 98 EX/9.4, 9.5, 9.6 CONCERNING THE TERMS OF REFERENCE OF THE COMMITTEE ON CONVENTIONS AND RECOMMENDATIONS IN EDUCATION;

11. DECIDES THAT COMMUNICATIONS CONCERNING CASES OF HUMAN RIGHTS FALLING WITHIN UNESCO'S FIELDS OF COMPETENCE, SHALL BE DEALT WITH BY THE COMMITTEE ON CONVENTIONS AND RECOMMENDATIONS IN EDUCATION IN ACCORDANCE WITH THE FOLLOWING CRITERIA AND PROCEDURES:

(A) WITH A VIEW TO DETERMINING THEIR ADMISSIBILITY, COMMUNICATIONS RECEIVED BY UNESCO SHALL BE SUBMITTED BY THE DIRECTOR GENERAL TO A WORKING GROUP CONSISTING OF LIMITED OFFICIAL USE

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THE CHAIRMAN OF THE COMMITTEE ON CONVENTIONS AND RECOMMENDATIONS OF THE EXECUTIVE BOARD AND TWO OTHER MEMBERS APPOINTED BY THE COMMITTEE, FOR THE PURPOSE OF PRELIMINARY CONSIDERATION;

(B) THE WORKING GROUP SHALL TRANSMIT TO THE COMMITTEE THOSE COMMUNICATIONS WHICH MEET THE FOLLOWING CONDITIONS:

(I) THE COMMUNICATION MUST NOT BE ANONYMOUS OR CONCERN UNNAMED INDIVIDUALS;

(II) THE COMMUNICATION MUST RELATE TO HUMAN RIGHTS WHICH, PROCLAIMED IN THE UNIVERSAL DECLARATION OF HUMAN RIGHTS, FALL WITHIN UNESCO'S COMPETENCE IN THE FIELDS OF EDUCATION, SCIENCE, CULTURE AND INFORMATION;

(III) THE COMMUNICATION MUST BE COMPATIBLE WITH THE
FUNDAMENTAL PRINCIPLES OF THE ORGANIZATION, THE CHARTER
OF THE UNITED NATIONS, THE UNIVERSAL DECLARATION OF
HUMAN RIGHTS AND THE OTHER INSTRUMENTS WHICH ARE APPLIC-
ABLE IN THE FIELD OF HUMAN RIGHTS;

(IV) THE COMMUNICATION MUST NOT BE MANIFESTLY ILL-FOUNDED
AND MUST CONTAIN EVIDENCE OF A PRIMA FACIE CASE;

(V) THE COMMUNICATION MUST NOT BE BASED EXCLUSIVELY ON
INFORMATION DISSEMINATED THROUGH THE MASS MEDIA;

(VI) THE COMMUNICATION MUST NOT BE OFFENSIVE, OR AN
ABUSE OF THE RIGHT TO SUBMIT COMMUNICATIONS;

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(VII) THE COMMUNICATION MUST BE SUBMITTED WITHIN A
REASONABLE TIME-LIMIT FOLLOWING THE FACTS WHICH CON-
STITUTE ITS SUBJECT MATTER OR WITHIN A REASONABLE TIME
LIMIT AFTER THE FACTS HAVE BECOME KNOWN;

(C) IN DETERMINING WHETHER THESE CONDITIONS ARE MET,
THE WORKING GROUP MAY AVAIL ITSELF OF ALL RELEVANT

INFORMATION AT THE DISPOSAL OF THE DIRECTOR GENERAL;

(D) BEFORE ADMISSIBLE COMMUNICATIONS ARE CONSIDERED BY THE COMMITTEE ON CONVENTIONS AND RECOMMENDATIONS, THE DIRECTOR GENERAL SHALL:

(I) ASCERTAIN THAT THE AUTHOR OF THE COMMUNICATION HAS NO OBJECTION TO HIS COMMUNICATION, AFTER HAVING BEEN COMMUNICATED TO THE GOVERNMENT CONCERNED, BEING BROUGHT TO THE NOTICE OF THE COMMITTEE AND TO HIS NAME BEING DIVULGED;

(II) UPON RECEIVING AN AFFIRMATIVE ANSWER, TRANSMIT THE LIMITED OFFICIAL USE

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COMMUNICATION RECEIVED TO THE GOVERNMENT CONCERNED, INFORMING IT THAT THE COMMUNICATION WILL BE BROUGHT TO THE NOTICE OF THE COMMITTEE TOGETHER WITH ANY REPLY THE GOVERNMENT MAY WISH TO MAKE.

E) THE COMMITTEE ON CONVENTIONS AND RECOMMENDATIONS SHALL EXAMINE IN PRIVATE MEETINGS THE COMMUNICATIONS TRANSMITTED TO IT OR THOSE PARTS THEREOF WHICH MEET THE CONDITIONS LAID DOWN ABOVE, AND THE REPLIES RECEIVED IN ACCORDANCE WITH SUB-PARAGRAPH D). REPRESENTATIVES OF THE GOVERNMENTS CONCERNED MAY TAKE PART IN THE MEETINGS IN ORDER TO GIVE ORAL INFORMATION OR TO FURNISH ADDITIONAL WRITTEN INFORMATION OR TO ANSWER QUESTIONS FROM MEMBERS OF THE COMMITTEE;

F) THE COMMITTEE MAY KEEP ON ITS AGENDA ANY COMMUNICATION SUBMITTED TO IT, WHILE SEEKING ANY ADDITIONAL INFORMATION IT MAY CONSIDER NECESSARY FOR THE DISPOSITION OF THE CASE;

G) THE COMMITTEE SHALL SUBMIT REPORTS TO THE EXECUTIVE BOARD ON THE CARRYING OUT OF ITS MANDATE UNDER THE PRESENT DECISION. SUCH REPORTS SHALL BE CONFIDENTIAL DOCUMENTS UNLESS OTHERWISE DECIDED BY THE COMMITTEE OR BY THE BOARD AND SHALL CONTAIN ALL APPROPRIATE INFORMATION ON ANY QUESTION OR OTHER MATTER ARISING FROM ITS EXAMINATION OF THE COMMUNICATIONS WHICH THE COMMITTEE CONSIDERS NECESSARY TO BRING TO THE NOTICE OF THE EXECUTIVE BOARD. THESE REPORTS MAY ALSO CONTAIN ANY RECOMMENDATIONS WHICH THE COMMITTEE MAY WISH TO MAKE REGARDING THE DISPOSITION OF THE QUESTION OR MATTER BY THE EXECUTIVE BOARD;

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H) THE EXECUTIVE BOARD SHALL CONSIDER ANY CONFIDENTIAL REPORT OF THE COMMITTEE IN PRIVATE MEETINGS. THE BOARD MAY HOWEVER DECIDE TO MAKE PUBLIC ANY PART OF A REPORT OF THE COMMITTEE AND TO ADOPT, IN PUBLIC MEETINGS, ANY DECISION IN CONNEXION THEREWITH WHICH IT MAY DEEM APPROPRIATE;

12. DECIDES TO CONSIDER AT ITS 105TH SESSION THE REPORT TO BE MADE BY THE EXECUTIVE BOARD AND THE DIRECTOR-GENERAL TO THE GENERAL CONFERENCE AT ITS 20TH SESSION ON THE IMPLEMENTATION OF PART II OF 19 C/RESOLUTION

12.1. END QUOTE

3. IT IS EXPECTED THAT WG REPORT AND RECOMMENDATION (AS PER ABOVE) WILL BE PRESENTED TO PLENARY SESSION ON TUESDAY, OCTOBER 4TH, A.M.

HARLAN

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01-Jan-1994 12:00:00 am
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: HUMAN RIGHTS, TEXT, POLICIES, RESOLUTIONS
Control Number: n/a
Copy: SINGLE
Sent Date: 23-Sep-1977 12:00:00 am
Decaption Date: 01-Jan-1960 12:00:00 am
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 22 May 2009
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1977PARIS27862
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Expiration:
Film Number: D770347-0103
Format: TEL
From: PARIS
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Legacy Key: link1977/newtext/t19770928/aaaaaxlx.tel
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Litigation History:
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Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
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Secure: OPEN
Status: NATIVE
Subject: UNESCO: PROCEDURE FOR HANDLING HUMAN RIGHTS COMPLAINTS
TAGS: AORG, OCON, SHUM, UNESCO
To: STATE
Type: TE
vdkgvwkey: odbc://SAS/SAS.dbo.SAS_Docs/37f2cc3e-c288-dd11-92da-001cc4696bcc
Review Markings:
Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
22 May 2009
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009